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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**
12

13 CITY and COUNTY of SAN FRANCISCO,

14 Plaintiff,

15 v.

16 CITY of OAKLAND and PORT OF OAKLAND,

17 Defendants.
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Case No. 3:24-cv-02311-TSH

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: November 7, 2024
Time: 10:00 AM
Courtroom: E – 15th Floor
Trial Date: (None Set)

Pursuant to Federal Rule of Evidence 201(b)(2), Defendant City of Oakland respectfully requests that the Court take judicial notice of the following city ordinance identified below in support of its Motion to Dismiss Plaintiffs' Complaint:

1. City of Oakland Ordinance No. 3825 N.S., dated February 14, 1927 (Declaration of Christina Lum ("Lum Decl."), Ex. 1);
2. City of Oakland Ordinance No. 3826 N.S., dated February 14, 1927 (Lum Decl., Ex. 2);
3. Article VII of the Charter of the City of Oakland (Lum Decl., Ex. 3);
4. "Property Owned by the Port of Oakland," from Port of Oakland, Land Surveys and Mapping, 530 Water Street, Oakland California, dated September 4, 2012 (Lum Decl., Ex. 4);
5. "Order Granting in Part and Denying in Part Motion to Dismiss," from United States District Court, Northern District of California, case no. 18-CV-03353-KAW, dated October 5, 2018 (Lum Decl., Ex. 5).

Under Rule 201 of the Federal Rules of Evidence, the court may judicially notice "official acts of the legislative, executive, and judicial departments of the United States", and facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." *Gerritsen v. Warner Bros. Entertainment Inc.*, 112 F.Supp.3d 1011, 1020 (2015). The court may also take judicial notice of matters of public record. *Vasserman v. Henry Mayo Newhall Memorial Hosp.*, 65 F.Supp.3d 932, 942 (2014); see also *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986). For these reasons, judicially notice should be taken of the foregoing documents.

Dated: October 8, 2024

BARBARA J. PARKER, City Attorney

By:



Christina Lum, Deputy City Attorney
Attorneys for Defendant,
CITY OF OAKLAND